

LAND DISPUTES BETWEEN THE COMMUNITY AND THE GOVERNMENT: DEVELOPMENT OF THE MANDALIKA SPECIAL ECONOMIC ZONE

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ABSTRACT

The rise of land disputes in Indonesia does not only occur between families and neighbors, but also between communities and the government. It is unfortunate, considering that the conflicts that occur are also caused by unequal goals. Therefore, the conflict over land disputes between the community and the government is the main discussion in this article. This study aims to find out how land dispute conflicts occur and how to resolve these land dispute conflicts. To complete this article, the literature study method through collecting research data sourced from books, journals and previous articles is used, because it has compatibility in data collection. Based on this research, it can be concluded that the land dispute conflicts that occur are motivated by the complexity of land acquisition and the community feels they have no advantage over land acquisition.

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1. INTRODUCTION

The existence of land has always been closely related to life; indeed, having land can at least guarantee a person a prosperous and sustainable life (Bravi et al., 2024). Therefore, it can be concluded that land is classified as a natural resource. Article 33, Paragraph 3 of the Agrarian Law states that the earth, water, and the natural resources contained within them are controlled by the state and utilized for the greatest prosperity of the people (Muhibbin & Bastomi, 2023). Then, it can be concluded that natural resources, including land, are not the property of a specific group but rather belong to us as members of the nation. As time progresses, the economic value of land has increased, as its availability becomes scarcer with the growing population and presence of living beings. To this day, land disputes in various regions of Indonesia frequently arise, with conflicts often occurring between the government and local communities regarding the conversion of land for transportation facilities, such as roads (Berenschot et al., 2024; Muhibbin & Bastomi, 2023).

Infrastructure development has been extensively undertaken in Indonesia over the past five years. This aligns with President Joko Widodo's commitment to regional development, as outlined in the second point of the Nawacita agenda, which emphasizes "building Indonesia from the periphery by strengthening regions and villages within the framework of a unitary state" (Rizqi & Rahmaningsih, 2024). President Joko Widodo has identified the limited development in peripheral areas as a consequence of a growth model that has primarily focused on central and urban regions as the main centers of growth. This can be interpreted as a rethinking of

economic growth, shifting from a concentration in urban centers to a more distributed approach that fosters development in regional areas (Silver, 2024)

The data from the Institute for Management Development (IMD) indicates that Indonesia ranks 37th out of 64 countries in terms of investment and development. This represents an improvement of three positions from its previous rank of 40 in 2020 (Rouvroy & Rouvroy, 2020). Several developments have been undertaken, including the construction of non-trans toll roads, trans roads, irrigation systems, and special economic zone.

The Special Economic Zone of Mandalika (SEZ Mandalika) has been developed to contribute to the achievement of the four national priority agendas outlined in Nawacita (Widodo, 2024). Firstly, to build Indonesia from the periphery by strengthening regions and villages within the framework of a unitary state. Secondly, to improve the quality of life for the Indonesian people. Thirdly, to enhance the productivity of the populace and competitiveness in international markets. Fourthly, to realize economic independence by mobilizing strategic sectors of the domestic economy. Currently, there are 18 Special Economic zone being developed by the government (kek.go.id, 2021).

The Mandalika Special Economic Zone is one of the most well-known SEZ developments among the public (Masrun & Ilhamudin, 2024). One of the tourist attractions established within the SEZ of Mandalika is the Mandalika International Street Circuit, which hosted the MotoGP event in March 2022. The Mandalika is located in Central Lombok, specifically in Kuta Village, West Nusa Tenggara. The SEZ of Mandalika is designed with an environmentally sustainable tourism development concept, focusing on the construction of tourist sites and attractions that prioritize the preservation of environmental values and quality within the community (Anisah et al., 2024).

The development of the SEZ of Mandalika is carried out by PT Pembangunan Pariwisata Indonesia, also known as the Indonesia Tourism Development Corporation (ITDC), the same entity responsible for the development of the Nusa Dua area in Bali (Rizki et al., 2023). However, the development process of the SEZ of Mandalika has resulted in numerous land disputes and intimidation of local residents, as the ITDC, acting as the government's representative in the development of the SEZ of Mandalika, is perceived to have engaged in aggressive land acquisition (Hampton et al., 2024; Raodah et al., 2024). According to local residents, the government did not conduct proper socialization regarding land acquisition. The government arrived in Kuta Mandalika without prior consultation and forced the community to relocate. Some residents of Kuta Mandalika have yet to receive financial compensation from the ITDC. Additionally, the ITDC has been accused of intimidating residents who refuse to leave (Chaniago et al., 2024) (Raziqin et al., 2024).

From the explanation above, ITDC is considered to be hasty and does not involve community participation in the development of the Mandalika Special Economic Zone, so that the development of the Mandalika Special Economic Zone has reaped many disputes and received a lot of criticism from outside parties. Based on this background, the authors want to examine the conflict that occurred between the community and the government through the ITDC State Milk Enterprise in developing the Mandalika Special Economic Zone, such as the rampant land dispute conflicts between the government and the community that are currently occurring are generally motivated by the inequality of the purpose of using the land itself, the government expects that land can be cleared and then the land can be invested as an interpretation of a developed country, while the community has the perception that land can be used as a place to settle and depend on their livelihoods there, not only impacting individuals or groups, with the existence of development such as highways can also cause the severance of social relations and changes in interaction will definitely occur along with the area that is passed as a means of transportation.

Based on the conditions that occur in society, the existence of this article aims to provide education to the public regarding the use of land based on applicable laws or regulations, and can also be used by the government to find out public opinion based on research conducted. Although the resolution of land disputes will certainly continue, there are actually several solutions such as guaranteeing people's lives after land acquisition, either in the form of a workplace or residence and a compensation value for land ownership that is commensurate.

2. METHOD

research using a qualitative approach with a systematic literature review approach (Zupic & Čater, 2015). In completing the written work titled "Land Disputes Between The Community and The Government, Case Study: Development of Mandalika Special Economic Zone, Lombok" the authors employ a descriptive-analytical method, which is supported by literature sources through a literature review or study. This involves the collection of research data sourced from books, journals, and previous articles related to the topic addressed by the authors, ensuring that the resulting written work aligns with existing facts and theories.

3. RESULTS AND DISCUSSION

1. Conflict over Land Disputes in the Development of the Special Economic Zone (SEZ) of Mandalika

The infrastructure development of the Mandalika Special Economic Zone (SEZ) is one of the work programs that continues to be intensified under President Joko Widodo's leadership. Based on Government Regulation Number 58 of 2017 concerning the Acceleration of the Implementation of National Strategic Projects, there are a total of 248 national strategic infrastructure projects spread throughout the archipelago. The existence of this infrastructure development project certainly has positive and negative impacts on the country. Among the negative impacts that will arise are the loss of existing agricultural land, the transfer of residential land, and the loss of land that acts as a source of income to meet the needs of the community. In addition to the negative impacts caused, the road infrastructure development program aims to improve accessibility and connectivity between one region and another with a hope that the distribution process of goods will increase which will then stimulate economic growth in various regions in Indonesia.

In building the infrastructure of the Mandalika Special Economic Zone (SEZ), certainly, it requires quite a lot of land, whether it is empty land, rice fields, and not infrequently, the development of this infrastructure must sacrifice residents' housing. This is what causes conflicts between residents and the government, especially with the Public Works and Spatial Planning Agency or known as PUPR which has the task of assistance and authority in the fields of public works, spatial planning and land. Although the government has provided compensation for the residents affected by the construction of road infrastructure, many of them are reluctant to agree to it. As a result of this conflict, the development of road infrastructure will experience a setback, especially if it is in a densely populated area. However, in overcoming this problem, the government has issued Presidential Regulation Number 65 of 2006 which regulates Land Acquisition for the Implementation of Development in the Public Interest. This regulation is then used as a legal umbrella for the government in revoking land rights, belonging to the community which are coincidentally needed in carrying out infrastructure development in the public interest.

The Agrarian Reform Consortium in its 2017 Year-End Notes stated that there were things that triggered the conflict, including: The planning of development projects does not involve public participation, which impacts the location determination process, Inaccurate pricing determinations, The presence of corruption and extortion in the land acquisition process, High costs associated with the land acquisition process due to the involvement of thugs, police, and military personnel, resulting in decreased land purchase prices. , Several alternatives proposed in Law Number 2 of 2012 regarding displaced persons, which have been agreed upon by both parties, are not realized.

In Indonesia, there are many conflicts that occur between the community and the government related to land acquisition for road construction. Some of the reasons why the community is reluctant to hand over their land are: residents use the land they own as a source of daily livelihood, The government uses residents' land for the construction of toll roads by providing compensation in the form of money, residents refuse because the compensation given by the government is not in accordance with what they want, The government implements a consignment system, namely the compensation money continues to run by being deposited in court.

Land disputes are one of the consequences of land acquisition or land conversion. East Java is one of the provinces that is currently intensively carrying out infrastructure development, one of which is toll roads and is part of the Trans-Java Toll Road development project currently being worked on by the PUPR Ministry. Almost all land acquisition used for toll road construction in East Java has caused conflicts between the community and the government, including:

- a. Pasuruan – Probolinggo Toll Road (Sumberdawesari Village, Grati District, Pasuruan Regency) because residents are reluctant to accept compensation from the toll road construction committee. residents are reluctant to let go of their land because the land is a source of income for residents
- b. Gempol – Pandaan Toll Road (Wonokoyo Village, Beji District, Pasuruan Regency) because the community does not agree because much of their agricultural land is used in the construction of the toll road, so that their livelihoods, most of whom are farmers, are threatened.
- c. Surabaya – Mojokerto Toll Road (Babakan Pereng Village, Bebekan District, Sidoarjo Regency) because residents reject land acquisition because they consider the price given by the government to be too low and not in accordance with the price of land on the market.
- d. Jombang – Mojokerto Toll Road (Watudakon Village, Jombang Regency) because residents do not agree with the price given by the toll road construction committee as compensation for the eviction of their land.

Most of the reasons for residents' disagreement with the conversion of their land for the construction of highways are because the residents feel that the compensation value given by the toll road construction committee is not in accordance with what they want, so that many of the affected residents have filed an appeal to the local District Court. However, the end result of this land acquisition conflict is always the same, namely that residents have no choice but to accept whatever compensation value is given by the construction committee. Because the construction committee has carried out various stages in accordance with the procedures related to land acquisition, such as conducting land measurements initiated by the BPN and the land acquisition task force (P2T).

2. The Basis for Land Acquisition

Before the enactment of land policies (Agrarian Law Number 5 of 1960), there was already a dualism of basic rules that were used as a reference for land law, namely European law which was carried out by Europeans themselves and other foreign countries and the second was customary law which was carried out by indigenous people. However, over time, this dualism of law was deemed ineffective in determining land rights for the community according to their ownership. Then in Agrarian Law Number 5 of 1960, regulations were re-regulated where the community could have more land rights. The existence of this Law allows the community to strengthen their argument if one day there is a land transfer for infrastructure development for the public interest and as land owners or land can be given land acquisition rights.

Indonesia which is called as an agrarian country, land is an important thing for the community where with this land the community can meet their basic daily needs. Based on these reasons, the government re-enacted regulations so that the community would not feel that they had lost their land rights. The regulations that the government has established regarding land rights are as follows.

- a. Regulation of the Minister of Home Affairs Number 15 of 1975 which discusses the decision on how to carry out land acquisition.
- b. Presidential Decree Number 55 of 1993 which discusses Land Acquisition as the implementation of development for public needs.
- c. Presidential Regulation Number 36 of 2005 which discusses land acquisition as the implementation of development for public needs.
- d. Law Number 20 of 2006 which discusses the elimination of land rights and objects on it.
- e. Presidential Regulation Number 65 of 2006 which discusses the amendment to Presidential Regulation Number 36 of 2005 which discusses land acquisition as the implementation of development for public needs.

The existence of various land acquisition regulations makes the government expects that the rights of land owners will be fulfilled if one day the land they own becomes the target of public infrastructure development. These laws are used as a form of agrarian law and basically have principles that must be considered. Land acquisition has two forms of principles that are carried out, namely by means of transferring land rights in accordance with the law and by means of revoking land rights in accordance with the law. Both have different meanings but have the same purpose, namely the transfer of land power. These principles also have the same rights in providing compensation in accordance with applicable laws.

The procedures for land acquisition regulated in Law Number 20 of 1961 are carried out with ordinary events and extraordinary events. With the granting of land acquisition with extraordinary events, the party taking over the land submits an application to the President who is represented by the Minister of Home Affairs in accordance with the requirements applicable in Law Number 10 of 1961. Then if there is an urgent matter and requires time as soon as possible, then land acquisition is carried out with extraordinary events.

3. Impact of Land Disputes and Land Acquisition

To increase development in order to accelerate growth in the economic, educational, social, cultural and various other fields in Indonesia, every year, development is intensively carried out in various regions. Development to support this growth is none other than for the equalization of infrastructure and the acceleration of the distribution of goods and services. However, development in Indonesia often experiences obstacles, especially in the availability of land, this is caused by the problem of land acquisition on land that will be projected by the government and land owned by the community, often development projections that have been approved are suddenly canceled.

Land disputes and land acquisition are two related things that their existence must have a major impact on the government and the community, the following is an explanation of the impact of land disputes and land acquisition for the government and the community:

a. For the Government

The government through the Public Works and Spatial Planning Service actually has an important role in improving the quality of a region through infrastructure development. However, back to the attitude of the community in development in their area, therefore the following are the impacts of land disputes on the government: first, Ease of distribution of goods and services. It is undeniable that with the main development of highways, it will certainly make it easier for the government to distribute goods and services, so that economic growth and acceleration can be carried out better. Of course, with the accessibility provided by the government, it will be easier to find out and reach the deepest areas, so it can be concluded that infrastructure holds the highest position in helping growth in a region, especially the distribution of goods and services. Second, Delays in completion of development or project abandonment The impact of land disputes that cannot be resolved quickly causes development to be hampered. Such as the incident of land acquisition designated as the Gempol-Pandaan toll road which was abandoned in 2008 due to the complicated land acquisition process regarding land prices and the many miscommunications between the government and the community. Third, Planning and budgeting that changes. The consequences of land disputes that result in neglected development also have an impact on planning and budgeting. This is because all forms of development certainly require large costs, the influence of inflation and uncertain prices of goods cause the design and determination of funds to also change every year. Fourth, Conflict with the community. The wishes of the government and the community are often at odds when it comes to land. The government always argues to improve facilities and infrastructure in a country, but if in its implementation it must involve land owned by the community, it will certainly cause conflict because the community also has a desire to maintain the land owned by their ancestors.

b. For the Community

In fact, not all land projected by the government to be used as infrastructure in the form of highways, toll roads, flyovers, dams, and others is government land. However, more or less the development must pass through land owned by the community so that it will have the following impacts: Obtaining public facility services, The release of land designated for the provision of public facilities and services helps the community to also enjoy it. One proof of the ease of public facilities is the provision of toll roads can speed up people's travel time when traveling. First, People lose property and livelihoods. Land acquisition that results in land disputes between the government and the community, one of which has an impact on the loss of people's livelihoods, this occurs because there is a change in land function that was originally used for farming, land that is projected for development will definitely be diverted for government interests, this can result in the loss of people's livelihoods. Not only are livelihoods lost, if the land acquisition projection is through a residential area, residents will also lose their homes. Second, Social conflict occurs. Disputes certainly cause social conflict, in fact not all residents disagree with land acquisition because opinions about sufficient compensation money and other facilities that are still owned are the background to social conflicts both between the community and the community with the government.

4. CONCLUSION

Based on the presentation of the material above, it can be concluded that the land dispute conflict that occurred in Indonesia between the government and the community was caused by the complicated problem of land acquisition where the community felt that they did not have a positive impact or benefit from land acquisition, but the government was also required to develop both infrastructure and public facilities and services. This is what causes conflicts between residents and the government, especially with the Public Works and Spatial Planning Agency which has the task of assisting and authorizing in the fields of public works, spatial planning and land. As a result of this conflict, the development of road infrastructure will experience a setback, especially if it is in a densely populated area.

In fact, land acquisition has been regulated in a law that can be used as a legal basis as a basis for land acquisition. However, over time, this legal dualism is considered less effective in determining land rights for the community according to their ownership. The existence of this Law can strengthen the argument that if one day there is a land transfer for infrastructure development for the public interest and as the owner of the land or land can be given land acquisition rights.

Land disputes and land acquisition will certainly involve two parties such as the government as the organizer of development and the community as the land owner. Therefore, the impact is not only given to the government with infrastructure improvements and project completion but also to the community such as loss of livelihood, property and so on. However, if viewed more broadly, infrastructure development will have a major impact and can be felt by the general public.

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Contribution of the authors:

Mahsun- study framework development, instrument development; data analysis; manuscript review; and manuscript submitting. data analysis; manuscript writing; and english proofreading. **M. Zainul Ridho** – data

collection and visualization/presentation of data in the text. data collection and evidence; data input, typing; correction; and edition.

All authors have read and approved the final manuscript.